



General Assembly

February Session, 2016

Amendment

LCO No. 4592



Offered by:
REP. TONG, 147th Dist.

To: Subst. House Bill No. 5640

File No. 614

Cal. No. 380

"AN ACT CONCERNING COMPELLED DISCLOSURE OF CELLULAR TELEPHONE AND INTERNET RECORDS."

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- 1 After line 18, insert the following:
- 2 "(4) "Exigent circumstance" means an emergency involving danger
- 3 of serious physical injury to or death of a person;"
- 4 In line 19, strike "(4)" and insert "(5)" in lieu thereof
- 5 In line 24, strike "(5)" and insert "(6)" in lieu thereof
- 6 In line 29, strike "(6)" and insert "(7)" in lieu thereof
- 7 In line 32, strike "(7)" and insert "(8)" in lieu thereof
- 8 In line 37, bracket the second occurrence of "or"
- 9 In line 39, after "customer", insert ", or (3) a telecommunications
- 10 carrier or a provider of electronic communication service or remote
- 11 computing service to disclose the content of a subscriber's or

12 customer's communications or geo-location data associated with a
13 subscriber's or customer's call-identifying information"

14 In line 46, after "communication", insert "or geo-location data"

15 In line 47, strike "or that exigent"

16 In line 48, strike "circumstances exist"

17 In line 69, strike "shall" and insert "may" in lieu thereof

18 In line 104, after "judge", insert "finds there is a significant likelihood
19 that such notification would seriously jeopardize the investigation
20 and"

21 In line 108, after "than" insert "legal counsel for the
22 telecommunications carrier or provider of electronic communication
23 service or remote computing service and"

24 In line 120, insert an opening bracket before "in" and insert a closing
25 bracket after "faith"

26 After the last section, add the following and renumber sections and
27 internal references accordingly:

28 "Sec. 501. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
29 telephone fraud in the first degree when such person (1) knowingly or
30 intentionally devises or participates in a scheme to defraud another
31 person of money or property, (2) (A) employs false pretenses or false
32 promises, as described in section 53a-119 of the general statutes, to
33 obtain such money or property and the amount of such money or the
34 value of such property exceeds twenty thousand dollars, or (B)
35 regardless of its value, obtains such money or property by extortion,
36 and (3) uses a telephonic call, including, but not limited to, a call made
37 by an individual, an automated telephone call and a recorded message,
38 to obtain such money or property from such other person.

39 (b) Telephone fraud in the first degree is a class B felony.

40 Sec. 502. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
41 telephone fraud in the second degree when such person (1) knowingly
42 or intentionally devises or participates in a scheme to defraud another
43 person of money or property, (2) employs false pretenses or false
44 promises, as described in section 53a-119 of the general statutes, to
45 obtain such money or property and the amount of such money or the
46 value of such property exceeds ten thousand dollars, and (3) uses a
47 telephonic call, including, but not limited to, a call made by an
48 individual, an automated telephone call and a recorded message, to
49 obtain such money or property from such other person.

50 (b) Telephone fraud in the second degree is a class C felony.

51 Sec. 503. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
52 telephone fraud in the third degree when such person (1) knowingly or
53 intentionally devises or participates in a scheme to defraud another
54 person of money or property, (2) employs false pretenses or false
55 promises, as described in section 53a-119 of the general statutes, to
56 obtain such money or property and the amount of such money or the
57 value of such property exceeds two thousand dollars, and (3) uses a
58 telephonic call, including, but not limited to, a call made by an
59 individual, an automated telephone call and a recorded message, to
60 obtain such money or property from such other person.

61 (b) Telephone fraud in the third degree is a class D felony.

62 Sec. 504. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
63 telephone fraud in the fourth degree when such person (1) knowingly
64 or intentionally devises or participates in a scheme to defraud another
65 person of money or property, (2) employs false pretenses or false
66 promises, as described in section 53a-119 of the general statutes, to
67 obtain such money or property and the amount of such money or the
68 value of such property exceeds one thousand dollars, and (3) uses a
69 telephonic call, including, but not limited to, a call made by an
70 individual, an automated telephone call and a recorded message, to
71 obtain such money or property from such other person.

72 (b) Telephone fraud in the fourth degree is a class A misdemeanor.

73 Sec. 505. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
 74 telephone fraud in the fifth degree when such person (1) knowingly or
 75 intentionally devises or participates in a scheme to defraud another
 76 person of money or property, (2) employs false pretenses or false
 77 promises, as described in section 53a-119 of the general statutes, to
 78 obtain such money or property and the amount of such money or the
 79 value of such property exceeds five hundred dollars, and (3) uses a
 80 telephonic call, including, but not limited to, a call made by an
 81 individual, an automated telephone call and a recorded message, to
 82 obtain such money or property from such other person.

83 (b) Telephone fraud in the fifth degree is a class B misdemeanor.

84 Sec. 506. (NEW) (*Effective October 1, 2016*) (a) A person is guilty of
 85 telephone fraud in the sixth degree when such person (1) knowingly or
 86 intentionally devises or participates in a scheme to defraud another
 87 person of money or property, (2) employs false pretenses or false
 88 promises, as described in section 53a-119 of the general statutes, to
 89 obtain such money or property and the amount of such money or the
 90 value of such property is five hundred dollars or less, and (3) uses a
 91 telephonic call, including, but not limited to, a call made by an
 92 individual, an automated telephone call and a recorded message, to
 93 obtain such money or property from such other person.

94 (b) Telephone fraud in the sixth degree is a class C misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2016</i>	New section
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